

Cynthia Z. Levin, Esq. (PA 27050)
Law Offices of Todd M. Friedman, P.C.
1150 First Avenue, Suite 501
King of Prussia, PA 19406
Phone: 888-595-9111 ext 618
Fax: 866 633-0228
clevin@attorneysforconsumer.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MCINTIRE,

Plaintiff,

vs.

I.C. SYSTEM, INC.,

Defendants

) Case No.

)

) **COMPLAINT FOR VIOLATION
OF THE FEDERAL FAIR DEBT
COLLECTION PRACTICES ACT**

)

)

)

)

)

)

)

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

III. PARTIES

3. Plaintiff, Joseph McIntire (“Plaintiff”), is a natural person residing in the state of Pennsylvania, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).

4. At all relevant times herein, I.C. System, Inc. (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. Plaintiff is informed and believes Defendant has called him numerous, and on occasions, up to ten (10) times daily, in attempting to collect an alleged outstanding debt.

7. Plaintiff numerous asked Defendant to disclose to him who Defendant is collecting the debt on behalf of, and the nature of the debt in general; Defendant refused to provide Plaintiff such information. Also, Defendant

1 generally engaged in abusive behavior towards Plaintiff; in one instance for
2 example, an individual calling on behalf of Defendant laughed when Plaintiff
3 asked him to cease and desist further calls, and responded that Defendant will
4 stop calling Plaintiff when Plaintiff pays Defendant on the debt.
5

6
7 8. Plaintiff is informed and believes Defendant solicited his fiancé's
8 assistance and threatened to pursue collection efforts against her, if she did not
9 comply in helping Defendant collect from Plaintiff.
10

11 9. Defendant's conduct violated the FDCPA in multiple ways,
12 including but not limited to:
13

- 14 a) In connection with an attempt to collect an alleged debt from
15 Plaintiff, contacting a third party for purposes other than
16 obtaining location information (§1692b & §1692c(b));
17
- 18 b) In connection with an attempt to collect an alleged debt from
19 Plaintiff, providing the identity of Defendant to a third party
20 without such information being expressly requested (§ 1692b(1)
21 & § 1692c(b));
22
- 23 c) Disclosing to a third party the existence of the debt allegedly
24 owed by Plaintiff (§1692b(2) & §1692c(b));
25
- 26 d) Falsely representing or implying that nonpayment of Plaintiff's
27 debt would result in the seizure, garnishment, attachment, or sale
28 of Plaintiff's property or wages, where such action is not lawful
or Defendant did not intend to take such action (§1692e(4));

e) Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken (§1692e(5));

f) Engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff (§1692d));

g) Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff (§1692c(a)(1));

h) Causing Plaintiff's telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff (§1692d(5)).

10. As a result of the above violations of the FDCPA Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this July 11, 2012

By: /s/ Cynthia Z. Levin
Cynthia Z. Levin, Esq. (PA 27050)
Law Offices of Todd M. Friedman, P.C.
1150 First Avenue, Suite 501
King of Prussia, PA 19406
Phone: 888-595-9111 ext 618
Fax: 866 633-0228
clevin@attorneysforconsumer.com
Attorney for Plaintiff